



RESPONSES TO INFORMATION REQUESTS (RIRs)

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17 December 2008

SRB103003.E

Serbia: Whether an amnesty exists for people who deserted the military during wartime in Serbia; If so, whether it applies to all deserters.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Military service evaders and deserters are protected by two amnesty laws, passed in 2001 and 2006, that are in effect in Serbia (Serbia 24 Nov. 2008; Lawyers' Committee 27 Nov. 2008).

A law was passed by the parliament of the Federal Republic of Yugoslavia (FRY) on 26 February 2001 which grants amnesty to all those who, up until 7 October 2000, had evaded military service, deserted from the military or refused to use weapons in the military (Yugoslavia 2 Mar. 2001, Art. 1; Serbia 24 Nov. 2008). Amnesty International (AI) estimates that this law pardoned approximately 24,000 men, including conscientious objectors (AI 13 Jan. 2001). Representatives of the [redacted] the Lawyers' Committee for Human Rights (also known as YUCOM), the Serb [redacted] ed the 2001 amnesty law, corroborated that this amnesty applies to all deserters [redacted] mmittee 27 Nov. 2008).

Another amnesty law was passed in 2001, which granted amnesty to soldiers who had deserted from the army between 7 October 2000 and 31 December 2001 (see also Human Rights Watch, 2005, p. 10). This law also protects all deserters who had been prosecuted in Serbia for evading military service between 1 January 2001 and 31 December 2001. The Executive Director of Lawyers' Committee for Human Rights stated that sometimes draft evaders are granted amnesty by the amnesty laws, but that these cases are

those who evaded service in or deserted (2008). This law granted amnesty to ongoing charges (AP 17 Apr. 2006; Serbia 15 "first one" (Serbia 24 Nov. 2008). The of any recent cases where people were ing that it is possible to prosecute only lawyers' Committee 27 Nov. 2008). He officers who are not always aware of to trial (ibid. 9 Dec 2008).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 13 January 2001. "Conscientious Objectors Can Return to Yugoslavia." (EUR 70/002/2001) <<http://www.amnesty.org/en/library/asset/EUR70/002/2001/en/dom-EUR700022001en.html>> [Accessed 14 Nov 2008]

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Yugoslavia. 2 March 2001. Edict on Promulgation of the Amnesty Law. (UNHCR RefWorld)

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Additional Sources Consulted

Internet sites, including: Human Rights Watch (HRW), Office of the United Nations High Commissioner for Refugees (UNCHR) RefWorld, War Resisters' International, Women in Black (žene u crnom)

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